

**PLANNING AND ZONING COMMISSION
STAFF REPORT**

April 17, 2014



Right-of-way Abandonment case no. RA13-04: Partial Bowery Street Closing

LOCATION: a request to abandon a 50-foot wide and 96.91-foot long portion of Bowery Street right-of-way between Lowery Street and West 17th Street adjacent to Lots 15 and part of Lot 16 of the West Side Addition Phase 2 and Lots 8 and 9 in Block 2 of the Zimmerman Addition

APPLICANT(S): Diektrich Morgan

AGENT: Strong Surveying

STAFF CONTACT: Maggie Dalton, Staff Planner



BACKGROUND:

This 50-foot wide and 96.91-foot long portion (4,845sf) of Bowery Street public right-of-way adjacent to Lots 15 and part of Lot 16 of the West Side Addition Phase 2 and Lots 8 and 9 in Block 2 of the Zimmerman Addition was originally platted in 1928 and has remained unimproved. Mr. Diektrich Morgan owns Lots 15 and part of 16 in the West Side Phase 2 Addition on the southeast side of the subject right-of-way, and Mr. Lucio Garcia and Kenneth Pitlik own Lots 8 and 9, respectively, in the Zimmerman Addition to the northwest of the subject right-of-way.

Most of the right-of-way requested to be abandoned has been functionally integrated with adjacent properties. An unnamed tributary of Still Creek crosses the northeastern portion of the subject right-of-way, before it flows under a bridge at its intersection with West 17th Street.

Mr. Morgan began approaching the City in March 2013 regarding the possible abandonment of this unimproved street right-of-way so that the land could be integrated with his ownership of adjacent land. The request is just now moving forward, as the City has had a long-planned drainage improvement project planned for the tributary that flows under the West 17th Street bridge, which also involves the Bowery Street right-of-way that is requested to be abandoned. The project, a drainage structure that is intended to help reduce the effects flooding downstream from this location, has not been fully designed. The attached surveys showing the subject right-of-way and the three parcels into which it is proposed to be divided were commissioned by the City and completed in March 2014.

Acting on behalf of the general public, only Bryan's City Council is authorized to officially abandon all or portions of rights of way dedicated for public use. The Planning and Zoning Commission hears and makes a recommendation on proposals to abandon any such rights-of-way.

ANALYSIS:

This section of Bowery Street is a 50-foot wide right-of-way. The City of Bryan has plans for drainage improvements to the Still Creek tributary that crosses this dedicated street right-of-way that has never been improved with a driving surface, most likely due to the creek that crosses it. Abandoning the subject right-of-way, therefore, will not substantially interfere with the smooth circulation of vehicular traffic.

In light of the planned drainage improvements in the area, suitable easements over existing public utilities as well as planned public drainage improvements will need to be reserved. These easements will ensure continued public access for repairing and replacing utilities and help prevent the construction of new buildings which may interfere with access to these utilities and/or drainage structures.

RECOMMENDATION:

The Site Development Review Committee and staff recommend **approving** this request to abandon this 50-foot wide and 96.91-foot long portion of Bowery Street right-of-way, **subject to the following condition:**

- **That public drainage and public utility easements be reserved over the entire right-of-way to be abandoned.**

Excess right-of-way burdens the public with possible continued maintenance, liability concerns, and is an inefficient use of urban land. The right-of-way requested to be abandoned has been functionally

integrated with adjacent properties. Yet the public will benefit from planned improvements to the drainage channel that crosses this subject right-of-way, which is why staff recommends the aforementioned reservation of drainage and utility easements. Abandoning the subject right-of-way, as recommended, will allow this land to be formally integrated with adjacent land. Staff contends that the recommended rearrangement of land will have the most likely long-range public benefit.